

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LEONARD BECKER	:	CIVIL ACTION
	:	
v.	:	
	:	No. 11-6460
THE BANK OF NEW YORK MELLON TRUST	:	
COMPANY, N.A. and J.P. MORGAN TRUST	:	(Consolidated with No. 12-6412)
COMPANY, NATIONAL ASSOCIATION	:	

ORDER

AND NOW, this 23rd day of March, 2016, upon consideration of the Motion for Summary Judgment of Plaintiff Leonard Becker (Doc. No. 125), and the Motion for Summary Judgment of Defendants The Bank of New York Mellon Trust Company, N.A. ("BNYM") and J.P. Morgan Trust Company, National Association (Doc. No. 126), and upon consideration of the parties' moving papers in this consolidated litigation,<sup>1</sup> it is hereby ORDERED, consistent with the rulings in the accompanying Memorandum, specifically as follows:

1. Defendants' motion for summary judgment on Count I of the Complaint in Becker I is DENIED.
2. Plaintiff's and Defendants' cross-motions for summary judgment on Count III of the Complaint in Becker I are DENIED.
3. Plaintiff's motion for summary judgment on Count I of the Complaint in Becker II is GRANTED in part, and DENIED in part, and Defendants' cross-motion for summary judgment on Count I of the Complaint in Becker II is DENIED.
4. Plaintiff's and Defendants' cross-motions for summary judgment on Count III of the Complaint in Becker II are DENIED.
5. Plaintiff's motion for summary judgment on Defendant BNYM's

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<sup>1</sup> By Order, dated March 18, 2013 (Doc. No. 64), two actions were consolidated: Becker v. The Bank New York Mellon Trust Company, N.A., and J.P. Morgan Trust Company, National Association, No. 11-6460 ("Becker I") and Becker v. New York Mellon Trust Company, N.A., No. 12-6412 ("Becker II").

Counterclaim (Doc. No. 48) is GRANTED, in favor of Plaintiff and against Defendants. Defendants' cross-motion for summary judgment on the Counterclaim is DENIED. The Counterclaim is DISMISSED in its entirety, with prejudice.

6. Defendants' motions for summary judgment on Counts II, IV, and V of the Complaint in Becker II, and Defendants' request for summary judgment on the Complaint's demand in Becker II for exemplary and punitive damages, are DENIED.

The CLERK OF COURT is respectfully DIRECTED to TERMINATE Plaintiff's Motion for Summary Judgment (Doc. No. 125), Defendants' Motion for Summary Judgment (Doc. No. 126), and Defendant BNYM's Counterclaim (Doc. No. 48), for statistical purposes.

BY THE COURT:

/s/ Legrome D. Davis

Legrome D. Davis, J.